

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA**

CHATTANOOGA PROFESSIONAL SOCCER  
MANAGEMENT, LLC,

Plaintiff,

v.

ARKANSAS STATE UNIVERSITY,

Defendant.

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) Civil Action No. 1:19-cv-00339  
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**DEFENDANT’S MOTION TO DISMISS**

Defendant Arkansas State University (“ASU”) enters a special appearance to submit this Motion to Dismiss because ASU is immune from suit in this Court for these claims under the Eleventh Amendment of the U.S. Constitution. This Court also lacks jurisdiction under the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202, because no justiciable controversy exists. Plaintiff Chattanooga Professional Soccer Management, LLC’s (“CPSM”) Complaint for Declaratory Judgment (“Complaint,” Dkt. No. 1) should be dismissed for a lack of subject matter jurisdiction as a result. The basis for this Motion is set forth in the accompanying Memorandum of Law in Support. ASU respectfully moves this Court to dismiss CPSM’s Complaint for the reasons set forth therein.

Dated: January 22, 2020

Respectfully submitted,

/s/ Paige W. Mills

Paige W. Mills (#016218)  
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***Counsel for Arkansas State University***

**CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing has been served upon the following via the Court's CM/ECF e-mail notification system, on this 22nd day of January, 2020.

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*/s/ Paige W. Mills*

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Paige W. Mills